

directed was not effective in the treatment of such diseases, conditions, and symptoms.

DISPOSITION: April 28, 1948. Default decree of condemnation. The product was ordered delivered to the Food and Drug Administration, for clinical and experimental uses.

2388. Misbranding of Cosmo-Light device. U. S. v. 1 Device, etc. (F. D. C. No. 22289. Sample No. 70813-H.)

LIBEL FILED: February 18, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about November 15, 1946, by Dr. Fred Gerkey, from Kansas City, Mo.

PRODUCT: 1 *Cosmo-Light device*, together with two accessory applicators at Glendale, Calif., and a leaflet headed "Instructions," which was shipped with the device. The device consisted of tubes for producing colored lights similar to the so-called neon lights, together with the electrical connections needed to operate them.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading, since they represented and suggested that the device was effective when used as directed in the treatment of asthma, every kind of a condition, nervousness, eye troubles, female diseases, and sinus trouble. The article was not effective when used as directed in the treatment of such conditions.

DISPOSITION: On April 3, 1947, an order was entered directing that the case be removed for trial to the Western District of Missouri. On March 18, 1948, the interveners withdrew their claim and answer, and on April 16, 1948, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration, for use as an educational exhibit.

2389. Misbranding of Spectro-Chrome. U. S. v. Dinshah P. Ghadiali and Dinshah Spectro-Chrome Institute. Pleas of not guilty. Tried to the jury. Verdict of guilty. Institute fined \$12,000. Individual fined \$8,000; sentenced to 1 year in jail on each of first 3 counts, the execution of which sentence was suspended, and placed on probation for 5 years; imposition of sentence on last 4 counts suspended. Judgment affirmed on appeal to United States Circuit Court of Appeals. Petition for writ of certiorari denied by United States Supreme Court. (F. D. C. No. 16547. Sample Nos. 76870-F, 76872-F, 82254-F, 85045-F, 4061-H, 4094-H, 4174-H, 4175-H, 13743-H, 13887-H, 16303-H, 23316-H.)

INDICTMENT FILED: August 7, 1945, District of New Jersey, against Dinshah P. Ghadiali and Dinshah Spectro-Chrome Institute, a corporation, Malaga, N. J.

ALLEGED SHIPMENT: Between September 3, 1942, and July 9, 1945, from the State of New Jersey into the States of New York, Pennsylvania, Ohio, Wisconsin, Michigan, Missouri, and Delaware.

PRODUCT: The construction and appearance of the device is described in the quoted court opinion set forth below.

Each device was accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Rational Food of Man," "Favorscope," "Spectro-Chrome, December 1941 Issue," "Spectro-Chrome, May [or "August,"] 1944 Issue," "Spectro-Chrome in Every Home," "Key to Radiant Health," "Auxiliary Benefit Notice," "Request for Enrollment as Benefit Student," "Certificate of Benefit Studentship," "Spectro-Chrome Free Guidance Request," "Spectro-Chrome Free Guidance," "Spectro-Chrome, March 1945 Issue," "Spectro-Chrome, January 1945 Issue," "Spectro-Chrome Metry Encyclopedia—Volumes 1, 2, and 3," and "Here is the Work that Shattered All the False Conceptions in Healing."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device contained false and misleading curative and therapeutic claims in substantially the same respect as the device involved in notices of judgment on drugs and devices, No. 2098.

DISPOSITION: Following the entry of pleas of not guilty, the case came on for trial before the court and jury on October 21, 1946. The trial was concluded on January 7, 1947, at which time the jury returned a verdict of guilty. Motions for a directed verdict of acquittal and for a new trial were filed on behalf of the defendant on January 13, 1947, and after consideration of the arguments for and against such motions, the court, on January 22, 1947, denied the motions. On January 31, 1947, the court imposed the following sentences: (1) Against the institute, a fine of \$12,000; (2) against the individual de-